

EYVONNE WILTON; May 17, 2010

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW MAXWELL,
TALINA McELHANY and KELLY
HAMPTON, individually and on
behalf of all other similarly
situated,

2:08-cv-422 TJW

Plaintiff(s),

vs.

TYLER TECHNOLOGIES, INC., and
EDP ENTERPRISES, INC.,

Defendant(s).

DEPOSITION UPON ORAL EXAMINATION OF
EYVONNE WILTON

2:00 P.M.

MAY 17, 2010

520 PIKE STREET, 12TH FLOOR

SEATTLE, WASHINGTON



REPORTED BY: MARY L. GREEN, CCR 2981

EYVONNE WILTON; May 17, 2010

Page 2

A P P E A R A N C E S

FOR THE PLAINTIFF(S):

LAUREEN F. BAGLEY
Sloan, Bagley, Hatcher & Perry
101 E. Whaley Street
Longview, TX 75601
903.757.7000
lbagley@texttrialfirm.com

FOR THE DEFENDANT(S):

ELLEN L. PERLIONI
Morgan Lewis
1717 Main Street, Suite 3200
Dallas, TX 75201
214.466.4142
ellen.perlioni@morganlewis.com

ALSO PRESENT: LYNN MOORE, Tyler Technologies

EYVONNE WILTON; May 17, 2010

Page 3

I N D E X

EXAMINATION BY: PAGE(S)

MS. PERLIONI 5

MS. BAGLEY 134

MS. PERLIONI 144

EXHIBITS FOR IDENTIFICATION PAGE

1 May 3, 2005, e-mail to Connie Shaw from Dana Breckenridge 8

2 Employment Application 8

3 February 23, 2006, letter to Eyvonne T. Wilton from Connie Shaw 74

4 Job Description of Implementation Consultant 77

5 Two-line chart 79

6 Complete Time Summary Report 79

7 August 23, 2006, e-mail to Eyvonne Wilton, Amber Krick, and Lyn Spens from Eyvonne Wilton 104

8 August 25, 2006, e-mail to Amber Krick from Eyvonne Wilton 104

EYVONNE WILTON; May 17, 2010

8 (Pages 20 to 23)

Page 20	Page 22
<p>1 A. We used my resume, not my application.</p> <p>2 Q. So you used what's marked as Deposition</p> <p>3 Exhibit 1 as opposed to Deposition Exhibit 2?</p> <p>4 A. Yes.</p> <p>5 Q. But you and Ms. Spens then proceeded to talk</p> <p>6 through your prior history in the payroll industry?</p> <p>7 A. No, not necessarily chronologically. She just</p> <p>8 asked specific questions to get specific answers that</p> <p>9 she wanted.</p> <p>10 Q. About the types of different experiences?</p> <p>11 A. Right.</p> <p>12 Q. You also mentioned that she talked to you</p> <p>13 about why you had a desire to travel.</p> <p>14 A. Yes.</p> <p>15 Q. What do you recall about that discussion?</p> <p>16 A. It was directly linked to why I wanted the job</p> <p>17 itself. It wasn't really the travel. It was the</p> <p>18 opportunity to learn about different applications of</p> <p>19 their payroll application and to be able to interact</p> <p>20 with other companies that would be using their</p> <p>21 application.</p> <p>22 Q. Why did those things appeal to you?</p> <p>23 A. I'm an information junkie.</p> <p>24 Q. Self-proclaimed, huh?</p> <p>25 A. Yes.</p>	<p>1 Q. But don't recall the person's name?</p> <p>2 A. I do not. I can see her face, but I can't</p> <p>3 remember her name.</p> <p>4 Q. Can we just refer to her as the incumbent</p> <p>5 employee?</p> <p>6 A. Sure.</p> <p>7 Q. Can you tell me what you recall from your</p> <p>8 discussion with the incumbent employee?</p> <p>9 A. She hated traveling. She did not like</p> <p>10 traveling, which is why after a year she was switching</p> <p>11 to a new department. She was newly engaged. That was</p> <p>12 another reason why she was switching. She slightly</p> <p>13 alluded to some differences of opinion with Ms. Spens.</p> <p>14 Q. What kind of differences of opinion?</p> <p>15 A. She didn't say. She just said that they had</p> <p>16 some differences of opinion.</p> <p>17 Q. She didn't elaborate at all?</p> <p>18 A. (Shaking head). She said she didn't want to.</p> <p>19 I asked.</p> <p>20 Q. Anything else she passed on to you about her</p> <p>21 experience in the position that you were applying for?</p> <p>22 A. That it took a lot of hours. Clients</p> <p>23 sometimes were not as prepared as they should have been</p> <p>24 by the time you would get there, which would require</p> <p>25 more work on my part.</p>
Page 21	Page 23
<p>1 Q. Tell me what you mean by that.</p> <p>2 A. I found that being in payroll I like learning</p> <p>3 new things. Each company that I've worked with has</p> <p>4 afforded me more knowledge than the last, and I like</p> <p>5 that.</p> <p>6 I had envisioned being able to teach other</p> <p>7 people how to use the softwares that I had learned to</p> <p>8 use and so on and so forth, and when I found the</p> <p>9 position for implementation consultant, it sparked a</p> <p>10 little ooh in my body, so I wanted to see if I could do</p> <p>11 it. That was the reason.</p> <p>12 Q. Anything else that appealed to you about the</p> <p>13 position?</p> <p>14 A. Just straight knowledge.</p> <p>15 Q. Actually, before I move on, anything else you</p> <p>16 can recall from your discussion with Ms. Spens when you</p> <p>17 were applying or interviewing for the position?</p> <p>18 A. No.</p> <p>19 Q. Did you have any discussions with Ms. Spens</p> <p>20 about salary or --</p> <p>21 A. No.</p> <p>22 Q. I believe you mentioned the next person you</p> <p>23 spoke with was the employee, the incumbent employee who</p> <p>24 was in the position but vacating the position.</p> <p>25 A. Yes.</p>	<p>1 Q. Why would that require more work on your part?</p> <p>2 A. Well, if they're not prepared when you get</p> <p>3 there, because you're on a schedule, everything is set</p> <p>4 to a particular time frame so that in the end you can</p> <p>5 move through the time frame to get to a Go Live, which</p> <p>6 is when you implement the actual payroll and they're</p> <p>7 now on their own, so the time frame is set up so that</p> <p>8 it moves you smoothly through that process, and if</p> <p>9 they're not ready, then that kind of stalls your</p> <p>10 process and things have to be reworked.</p> <p>11 Q. And what would you do in those circumstances?</p> <p>12 How would you rework it?</p> <p>13 A. Well, I wouldn't. It would go to my manager,</p> <p>14 Lyn, and then she would rework it. The manager and the</p> <p>15 client worked out the schedule.</p> <p>16 Q. So you didn't have any involvement in</p> <p>17 scheduling the process?</p> <p>18 A. No.</p> <p>19 Q. What about in preparing the agendas for your</p> <p>20 meetings?</p> <p>21 A. We have canned agendas, and based on where we</p> <p>22 were supposed to be in the process, then we would send</p> <p>23 out the -- the manager would say this is the agenda you</p> <p>24 should be using this time. Here. Send this out to</p> <p>25 your client. So we would send out the agenda that the</p>

EYVONNE WILTON; May 17, 2010

9 (Pages 24 to 27)

Page 24	Page 26
<p>1 manager had set forth.</p> <p>2 Q. So are you saying you didn't have any</p> <p>3 editorial or drafting on the particular agendas?</p> <p>4 A. Only by guidelines of what the manager had</p> <p>5 said, so if she said this is what you should be doing,</p> <p>6 this is what you should be doing.</p> <p>7 Q. What do you mean by this is what you should be</p> <p>8 doing?</p> <p>9 A. In other words, she would send me the actual</p> <p>10 agenda, and I was to look it over to make sure that it</p> <p>11 was -- like if I had already been there before and we</p> <p>12 had ended at a particular point. Once I got back, I</p> <p>13 had to do a report and send that to the manager.</p> <p>14 From that report, the manager would set up the</p> <p>15 agenda for the next time, and then I would review it to</p> <p>16 make sure she didn't miss any points that I said I had</p> <p>17 done or not done from the previous, and that's how we</p> <p>18 would work it up.</p> <p>19 Then if everything was in there that I thought</p> <p>20 should be in there from what she had derived from my</p> <p>21 notes, then I would send it on to the client, so it was</p> <p>22 more going down the pipeline type thing. It would</p> <p>23 start with her, then me, and then I would send it to</p> <p>24 the client.</p> <p>25 Q. I want to take just kind of a step back. We</p>	<p>1 else and we might have to just wait for a minute, which</p> <p>2 means that we could set up -- figure out where we have</p> <p>3 to set up. We would set up and then wait for the</p> <p>4 client to join.</p> <p>5 Q. And how did you decide the best way to</p> <p>6 rearrange what you were doing depending on whatever the</p> <p>7 circumstance you encounter when you get there?</p> <p>8 A. Depending on the client and what they had</p> <p>9 available to us. Like if they didn't have a classroom</p> <p>10 situation, we would ask them where would it be that we</p> <p>11 would set up for depending on how many employees that</p> <p>12 would be learning the software.</p> <p>13 So we would basically ask them is there a</p> <p>14 place that, you know, we can use like a conference room</p> <p>15 or something like that, and if there was a conference</p> <p>16 room, do you have computers that are available for them</p> <p>17 to use, because we really are trying to teach them how</p> <p>18 to use the software.</p> <p>19 Q. And what would you do if they didn't?</p> <p>20 A. Sat at each individual's desk.</p> <p>21 Q. So you came up with an alternative way to</p> <p>22 provide the training to the employees?</p> <p>23 MS. BAGLEY: Object to the form. Sorry.</p> <p>24 A. We had no other choice.</p> <p>25 Q. (BY MS. PERLIONI) Can you give me some</p>
Page 25	Page 27
<p>1 kind of got sidetracked a little bit. Anything else</p> <p>2 from your discussion with the incumbent employee?</p> <p>3 A. No. Except for me trying to remember her</p> <p>4 name. No. She told me basically the same things that</p> <p>5 Lyn did in terms of what she did for a client kind of</p> <p>6 vaguely, give me a rough draft.</p> <p>7 Q. Like can you explain what you recall from her</p> <p>8 discussion?</p> <p>9 A. That it would be -- some places had set-ups</p> <p>10 for classroom-like situations. Other places did not.</p> <p>11 Sometimes we would have to figure out where we would be</p> <p>12 teaching the client.</p> <p>13 Sometimes the client would not be ready as</p> <p>14 opposed -- like the lead for the project on the client</p> <p>15 side would be busy with something else and would not</p> <p>16 necessarily be available, and I would have to start</p> <p>17 with if there was an assistant with the assistant and</p> <p>18 then backtrack, things of that nature.</p> <p>19 Q. So once you get there, there's always a plan,</p> <p>20 right?</p> <p>21 A. (Nodding head).</p> <p>22 Q. Did it ever follow according to the plan?</p> <p>23 A. No. No. It never actually -- there was</p> <p>24 always a tweaking here or there, and sometimes it would</p> <p>25 be just because the client was busy handling something</p>	<p>1 examples of that where you'd go in and where really</p> <p>2 everything was different than you expected and how you</p> <p>3 had to adapt?</p> <p>4 A. One client's computers for some reason weren't</p> <p>5 working, and their IT person was off-site, and we had</p> <p>6 to wait for him to get there.</p> <p>7 Q. So what did you do?</p> <p>8 A. We waited.</p> <p>9 Q. You didn't do anything in the interim while</p> <p>10 you were waiting?</p> <p>11 A. (Shaking head). Asked them if they read the</p> <p>12 information that had been sent to the lead there, and</p> <p>13 if it had been printed out, we might go over a couple</p> <p>14 of chapters so that they could understand what it is we</p> <p>15 were trying to do.</p> <p>16 Q. What do you mean when you say the chapters?</p> <p>17 A. Tyler had little workbooks for lack of a</p> <p>18 better word, but I guess it is a workbook for the</p> <p>19 client, because if I'm teaching you something, you have</p> <p>20 to have something to follow.</p> <p>21 So we would kind of like read over -- if they</p> <p>22 hadn't read over it, it would make it easier for right</p> <p>23 then and there everyone could read over the chapter</p> <p>24 that we were going to be going over right then and</p> <p>25 there, and for the most part, most people hadn't,</p>

EYVONNE WILTON; May 17, 2010

10 (Pages 28 to 31)

Page 28	Page 30
<p>1 because they still had to do their main job and go 2 along with the implementation, so for the most part, 3 most people hadn't looked at their information that had 4 been sent over. 5 Q. So was it -- your expectation was going in 6 that they would have read over this material before you 7 arrived? 8 A. Yes. 9 Q. And when you get there, you find out they 10 haven't read as planned, so you have to, I guess, 11 improvise or go over that material with them, do 12 whatever it takes to get them to the position you hoped 13 they would have been once you came in? 14 A. Yes. 15 Q. I mean, how do you gauge how far along they 16 are or what you need to do? 17 A. I ask. Have you read it? How far did you 18 get, with the general consensus depending on, you know, 19 who got further, who got less. If they got less, then 20 we'd start where you got less and then move up. 21 Q. So you inquire and you decide based on, you 22 know, whoever the number of employees that you're 23 talking to where to start out going through the 24 different training depending on what you think or what 25 you view as the needs of that particular group?</p>	<p>1 implementation is that when it's a full implementation, 2 the first visit the skeletal model is loaded, and we 3 actually play around in that model, and I teach them 4 how to input the information like their employees' 5 names and addresses, their benefits, things of that 6 nature, so if the skeletal model wasn't available, then 7 there was nothing that we could do. 8 Q. So when the skeletal model is available, you 9 said you teach them different things and let them play 10 around with it. 11 A. Uh-huh. 12 Q. I mean, how do you go about doing that? 13 A. They provide us with print-outs of their 14 employees, and they basically take that information and 15 they input that into the system, because that's what 16 they have to do, so what they basically are learning 17 how to is to navigate through the system by using their 18 own information. 19 Q. So the client actually brings their data? 20 A. Yes. 21 Q. And is that data you've seen before coming in 22 to meet with them or train them? 23 A. No. 24 Q. So they bring their data, show you, and then 25 you help them work through the system utilizing their</p>
Page 29	Page 31
<p>1 A. Right. 2 Q. And you mentioned earlier about giving some 3 examples of, you know, coming in and computers not 4 working. Can you give some other examples of when you 5 came in and encountered something completely unexpected 6 and what you did to work around? 7 A. Yes. One location I guess you can say the 8 model was supposed to have been loaded onto the 9 secondary computers because it was a classroom setting, 10 and none of that had taken place. 11 Q. So what did you do to work around the fact the 12 model wasn't on the secondary computers as you 13 expected? 14 A. I was lucky. I had my IT person with me, and 15 I didn't have to. He did, because that's who was 16 supposed to take care of it, so he coordinated with 17 their IT and they got it together. 18 Q. So what did you do while that was occurring? 19 A. I got to know my clients. We sat there and we 20 chit-chatted. There was about eight of us. There was 21 nothing else we could do at the time, because they 22 really needed to be on the computer for theirs. Theirs 23 was a full implementation from beginning to end. 24 So without the skeletal model loaded, we 25 couldn't do anything, because part of the</p>	<p>1 data? 2 A. Yes. 3 Q. I mean, how -- is there something that you -- 4 I mean, what kinds of things do you ask them to bring? 5 Anything that may touch on their payroll duties or... 6 A. Print-outs of their legend system of their 7 employees, so like it's different screens basically. 8 Like personal information for you would be 9 your first, last name, where you live, telephone 10 number. That's one screen. Then the next screen would 11 be what job you actually do. The third screen would be 12 the rate of pay for that job. A fourth screen would be 13 your HR benefits for the job. 14 So it's each screen, so they print out their 15 information from each of their own legend screens, so 16 they run a report with all that information, so seven 17 pages might be one employee. 18 Q. While you're doing this, do you utilize a 19 PowerPoint or anything like that or are you just really 20 at the screen with them? 21 A. At the screen with them. I'm walking around 22 the classroom. That's why we need to have them set up 23 as a classroom form. If they don't have that, then we 24 have them provide maybe a white board, a white screen 25 so that I can project my laptop onto the screen and</p>

EYVONNE WILTON; May 17, 2010

14 (Pages 44 to 47)

Page 44	Page 46
<p>1 Q. Anything else that you can recall from that</p> <p>2 discussion? You said the difficulties of the prep.</p> <p>3 Did you have any further discussion on what type of</p> <p>4 challenges you would face in preparing for the</p> <p>5 implementations?</p> <p>6 A. No. No. No. No. Nothing like that.</p> <p>7 Q. And once you got on the job, were there</p> <p>8 challenges you faced in preparing for implementation?</p> <p>9 A. Yes.</p> <p>10 Q. Like what kind of challenges?</p> <p>11 A. My boss not being available.</p> <p>12 Q. Anything else?</p> <p>13 A. That was good enough. I was the only</p> <p>14 implement -- new implementation consultant, and my boss</p> <p>15 was not available.</p> <p>16 Q. So that's a challenge because you needed --</p> <p>17 A. Information. She had been with the company</p> <p>18 for 20-some odd years. She had been the only payroll</p> <p>19 implementation consultant at one point in time. She</p> <p>20 held a lot of information, and there were several</p> <p>21 occasions where she said, I'm sorry, but you sure are</p> <p>22 getting the short end of the stick, because she was too</p> <p>23 busy to help out.</p> <p>24 Q. So what did you decide to do? If your boss</p> <p>25 isn't there to feed you the information that she has,</p>	<p>1 is so that when you go and sit down with the client you</p> <p>2 can explain all that to them?</p> <p>3 A. Exactly.</p> <p>4 Q. I mean, so if you're sitting down there with</p> <p>5 the skeletal system, you know, was there like a process</p> <p>6 you followed or is it purely just I'm going to tinker</p> <p>7 through and figure out everything I can on this system?</p> <p>8 A. I'm going to tinker through and figure out</p> <p>9 everything I can with this system.</p> <p>10 Q. And in doing that, do you identify points</p> <p>11 that, okay, this is a good shortcut or this is</p> <p>12 something I want to make sure I train when I'm going</p> <p>13 out on my next client?</p> <p>14 A. Sometimes, yes.</p> <p>15 Q. I mean, what other -- what do you do when</p> <p>16 you're tinkering around --</p> <p>17 MS. BAGLEY: Object to the form.</p> <p>18 Q. (BY MS. PERLIONI) -- on the skeletal system?</p> <p>19 MS. BAGLEY: Form.</p> <p>20 A. Just think of -- you know, just like I said</p> <p>21 before, there are different screens. First screen is</p> <p>22 personal. Second screen may be the position itself.</p> <p>23 Third screen may be the rate of pay. The fourth screen</p> <p>24 may be benefits.</p> <p>25 So basically you just kind of set up your own</p>
Page 45	Page 47
<p>1 what did you decide --</p> <p>2 A. Continue to read and play with the system as I</p> <p>3 was told.</p> <p>4 Q. And when you say read --</p> <p>5 A. That's the nice fat binder that they had for</p> <p>6 us.</p> <p>7 Q. So you read literature on the software?</p> <p>8 A. Yes.</p> <p>9 Q. And what do you mean when you say play with</p> <p>10 the system?</p> <p>11 A. We had a skeletal system that we had to</p> <p>12 manipulate.</p> <p>13 Q. And just so I can understand, a skeletal</p> <p>14 system, this is the way I'm envisioning it. Tell me if</p> <p>15 I'm flat wrong or if I'm close. It's something similar</p> <p>16 to what a client would face without actual live data.</p> <p>17 A. Right.</p> <p>18 Q. So you go in and --</p> <p>19 A. Just put in anything we want based on what it</p> <p>20 is we've already done before. Because I've done</p> <p>21 payroll before, I could basically look at the screens</p> <p>22 and know what I need to put in, and you just play with</p> <p>23 it.</p> <p>24 Q. So you figure out ways within the skeletal</p> <p>25 system to manipulate the data, to configure whatever it</p>	<p>1 company and see if you can run a mock payroll, if you</p> <p>2 can make it through the whole system, because their</p> <p>3 strategy was that if you put yourself in the position</p> <p>4 like the client, then you can kind of figure out the</p> <p>5 questions that they're going to ask and be able to</p> <p>6 answer the questions.</p> <p>7 So we were kind of -- that's what we were put</p> <p>8 into. You got a skeletal situation. Put in some</p> <p>9 information. With the client, they have their data</p> <p>10 from their legend system. We just had to come up with</p> <p>11 stuff, so we could name our company whatever we wanted</p> <p>12 to name it. We could put in anything and just play.</p> <p>13 Q. (BY MS. PERLIONI) So you play around and you</p> <p>14 identify in your own mind questions you have to help</p> <p>15 you understand what types of issues and questions you</p> <p>16 might get when you're out training their customer?</p> <p>17 A. Yes.</p> <p>18 Q. And would you log those or did you --</p> <p>19 A. No. No.</p> <p>20 Q. Just remembered them in your head?</p> <p>21 A. Yeah. Basically, yeah. You would remember</p> <p>22 little issues that might come up in the system from you</p> <p>23 putting in a certain type of data, and then if it was</p> <p>24 reduplicated when you did it for the client, then you</p> <p>25 would relay that information if it's something that you</p>

EYVONNE WILTON; May 17, 2010

15 (Pages 48 to 51)

Page 48	Page 50
<p>1 couldn't get past to the IT department, because the</p> <p>2 system was a proprietary system for us, so we could</p> <p>3 make it do anything we wanted it to do or what the</p> <p>4 client wanted it to do.</p> <p>5 So if, say -- when I was preparing for an</p> <p>6 implementation, there's a questionnaire that is sent</p> <p>7 out by the project manager to the project manager of</p> <p>8 whichever client it's going to be that they had to fill</p> <p>9 out, and it would be questions about what their payroll</p> <p>10 does. You know, how many employees do you have? How</p> <p>11 many are full time? How many are part time if you have</p> <p>12 any part time?</p> <p>13 How many -- because it was a municipality,</p> <p>14 nine times out of ten they had steps or -- I don't even</p> <p>15 know what to call them. I'm from a private industry.</p> <p>16 I'm not from public. Like you would maybe be</p> <p>17 classified 1 or classified 2, and that had different</p> <p>18 types of parameters in terms of what those are to</p> <p>19 designations.</p> <p>20 Q. Like job grades?</p> <p>21 A. Yes. That's it. So they would send us that</p> <p>22 information, and we would have to figure out how to put</p> <p>23 that in there so that the system would read it.</p> <p>24 So it would come to the payroll implementation</p> <p>25 consultant, but it would also go to our IT department</p>	<p>1 going to differ with each client?</p> <p>2 A. Every one.</p> <p>3 Q. So you've got to go in and learn this new</p> <p>4 system and how to best train the people on this new</p> <p>5 system before every single implementation?</p> <p>6 A. Yes.</p> <p>7 MS. BAGLEY: Object to the form.</p> <p>8 Q. (BY MS. PERLIONI) Looking at it and going</p> <p>9 through the skeletal system, do you then prepare, okay,</p> <p>10 here's a PowerPoint or I think maybe I'm going to train</p> <p>11 a little bit differently because of this being set up</p> <p>12 this way?</p> <p>13 A. No PowerPoints. Not necessarily train</p> <p>14 differently but maybe put a little bit more focus on a</p> <p>15 particularly difficult part to make sure that everybody</p> <p>16 understood how that part worked, because if it was</p> <p>17 difficult for me, then it surely is going to be</p> <p>18 difficult for them, because for the most part, they</p> <p>19 didn't have to probably enter in that information that</p> <p>20 we were having them do, at least not from the ground</p> <p>21 up, because that's basically what happened.</p> <p>22 No. I take that back. It didn't really</p> <p>23 happen that way. Some of the information was</p> <p>24 downloaded to our IT, and then they uploaded it into</p> <p>25 the new skeletal form, the new software, and then we</p>
Page 49	Page 51
<p>1 so they could figure out how they could make the</p> <p>2 calculations work, and once they made it work, then</p> <p>3 they would say we've loaded it onto your skeletal form</p> <p>4 on your laptop. Put in that information and see if you</p> <p>5 can get it to do what it's supposed to do. So we did</p> <p>6 mock-ups before we got there.</p> <p>7 Q. So you would actually do this before each</p> <p>8 implementation?</p> <p>9 A. Had to. We had to be at least sure that the</p> <p>10 information -- or the software that we had sent them</p> <p>11 was going to work, and basically they gave us the</p> <p>12 information in terms of how the software was supposed</p> <p>13 to be configured, but that went to IT first, so they</p> <p>14 did all the configurations and stuff, and then it was</p> <p>15 sent to us.</p> <p>16 The information they sent out, like they may</p> <p>17 have sent us three or four employees on different grade</p> <p>18 levels, and then we would put the stuff in and see if</p> <p>19 we could make the payroll run, so that way we would be</p> <p>20 prepared when we're trying to teach them on how to do</p> <p>21 it the same way. So we had to be prepared before we</p> <p>22 got to them to prepare them on how to do their own</p> <p>23 payroll.</p> <p>24 Q. So from what I'm understanding, even the</p> <p>25 package that you're encountering and how it's set up is</p>	<p>1 would go in with the client and check the information</p> <p>2 to make sure it was correct.</p> <p>3 There were some things that we had to maybe</p> <p>4 reconfigure, say, that by us playing in the system it</p> <p>5 didn't work, so we would call IT and say this didn't</p> <p>6 happen. You have to fix it. Then they would figure</p> <p>7 out whatever it is, reload it, saying that it has been</p> <p>8 fixed, and then we would teach on that from that point</p> <p>9 forward.</p> <p>10 Q. So when you identified these more difficult</p> <p>11 aspects of the skeletal system or this particular</p> <p>12 system for this client, I mean, how would you -- do you</p> <p>13 come up with a way to help them best understand it? Do</p> <p>14 you come up with a way to walk them through? I mean,</p> <p>15 what's your strategy on doing that?</p> <p>16 A. Since we're there to teach them, we're always</p> <p>17 walking them through, period. It maybe would not be</p> <p>18 any different other than to explain to them that if you</p> <p>19 come up -- if you have an error on this particular</p> <p>20 thing, then you might need to call customer service.</p> <p>21 You know, I might tell them that, you know, we</p> <p>22 already have IT working on fixing this. They haven't</p> <p>23 come up with a fix yet, but by the time we Go Live,</p> <p>24 there should be a fix. So right now don't worry about</p> <p>25 if you see an error on the screen. Do this to get past</p>

EYVONNE WILTON; May 17, 2010

16 (Pages 52 to 55)

Page 52	Page 54
<p>1 it and then keep going, that type of deal.</p> <p>2 Q. And do you ever as you're sitting down with</p> <p>3 the client reconfigure how it's set up to ways that</p> <p>4 they prefer? Are there any preferences or options in</p> <p>5 there?</p> <p>6 A. No. If there's anything different that</p> <p>7 they're changing based on what they've already given</p> <p>8 us, then we would take those notes back and I would</p> <p>9 give them to the project manager and she would send</p> <p>10 those on to IT so IT could figure out how to fix that</p> <p>11 issue.</p> <p>12 Q. Is that only if there's a problem?</p> <p>13 A. That's only if there's a problem. If there's</p> <p>14 no problem, then nine times out of ten the information</p> <p>15 that's already been uploaded works.</p> <p>16 Q. When you're sitting down with the client, are</p> <p>17 there different options within the software like</p> <p>18 preferences that you can help them configure?</p> <p>19 A. Different preferences. No, because they've</p> <p>20 already done the questionnaire and the preferences have</p> <p>21 already been set by IT, so those things have already</p> <p>22 been done, because that would be a hard set into the</p> <p>23 computer software.</p> <p>24 That would be something that's</p> <p>25 nonreconfigurable. Anything that had to do with for</p>	<p>1 then that possibly might cost them more money, and that</p> <p>2 would go to the project manager to get that okayed with</p> <p>3 both project managers, because by that time the price</p> <p>4 of the software has already been figured out, so if</p> <p>5 it's something totally different than what they started</p> <p>6 out with, then that might be something they'd have to</p> <p>7 work up with the project manager on both ends, because</p> <p>8 it might add to the cost of the software.</p> <p>9 Q. What do you do during the actual -- I mean,</p> <p>10 the Go Live? We've been working on the skeletal</p> <p>11 software. We're going to Go Live. Can you walk me</p> <p>12 through that process?</p> <p>13 A. I sit there and I watch them run payroll, and</p> <p>14 all I am is the backup if there's any issues. If</p> <p>15 there's something that says there's an error on the</p> <p>16 screen or what have you, then I notate what the error</p> <p>17 code is, and then I call in to customer service so they</p> <p>18 can tell me what the error code means and whether or</p> <p>19 not I can fix it or whether or not IT will have to</p> <p>20 ghost into the system and fix it.</p> <p>21 Q. Were there errors that would pop up that you</p> <p>22 would just know how to fix?</p> <p>23 A. No. I was too green.</p> <p>24 Q. So when you say -- well, what kind of errors</p> <p>25 are you talking about?</p>
Page 53	Page 55
<p>1 the most part figures, IT would set up the actual</p> <p>2 parameters to make that calculation work.</p> <p>3 Q. Maybe configure is not the right word, but</p> <p>4 sitting down with your client, going through and</p> <p>5 training them on how to maneuver through the system,</p> <p>6 you know, are there -- would they say, hey, I want to</p> <p>7 run this particular type of report or is there a way to</p> <p>8 set it up so I can capture this information and run a</p> <p>9 report on that or just different nuances that you can</p> <p>10 help them not to use reconfigure but set preferences to</p> <p>11 help them get reports they need and other things to be</p> <p>12 able to do their job?</p> <p>13 A. No. The system came with -- once again back</p> <p>14 to the questionnaire. We had already asked them what</p> <p>15 type of reports that were needed, so those reports were</p> <p>16 configured within the system, and so all I would do is</p> <p>17 show them where the reports were, and maybe you might</p> <p>18 need to change a date to get the parameters that you</p> <p>19 wanted, but that's about it, show them where that</p> <p>20 report was, where you needed to change your date to get</p> <p>21 the time frames that you wanted, and then they could</p> <p>22 run the report and it would spit out what they needed.</p> <p>23 If it was anything different than that, then</p> <p>24 once again IT would actually have to have set that up</p> <p>25 prior to, and if it was something that they wanted new,</p>	<p>1 A. Maybe it didn't pull some information from a</p> <p>2 report and it will -- instead of getting the</p> <p>3 information you wanted, it will show you an error code</p> <p>4 saying no data available or something like that, and</p> <p>5 you know for sure that there is that type of data but</p> <p>6 it's not pulling it.</p> <p>7 Then that means it wasn't configured somewhere</p> <p>8 when the IT people did their configuration for the</p> <p>9 actual report. It's a report writer system, so they</p> <p>10 would have to go back in and fix where they missed</p> <p>11 something.</p> <p>12 Q. Because you were as you put it too green, you</p> <p>13 were not --</p> <p>14 A. Well, because that's a hard coding. That's</p> <p>15 something -- we didn't do any hard coding. IT did</p> <p>16 that. All we did was go in and show them how to run</p> <p>17 the software and that's it.</p> <p>18 Q. Right. But I understood you to say that</p> <p>19 because you were too green you didn't know how to fix</p> <p>20 certain error codes.</p> <p>21 A. I didn't know what the error code meant, and</p> <p>22 if I had maybe been there longer and seen the error</p> <p>23 code before, I could say, okay, I know what to do. We</p> <p>24 can work around it. They always talked about</p> <p>25 workarounds. I didn't know about any of the</p>

EYVONNE WILTON; May 17, 2010

19 (Pages 64 to 67)

Page 64	Page 66
<p>1 and say everything wasn't done that we needed to have 2 done. This may compromise when you Go Live. If that 3 compromises when you Go Live, then that compromises the 4 price. 5 Q. And they make that recommendation or have that 6 discussion with the client based on what you're telling 7 them you're observing in your working directly with the 8 employees? 9 A. Exactly, yeah. 10 Q. So what else is going back to -- you talked 11 about going live. You watch them. You shadow them. 12 What else does Go Live entail? 13 A. I'm just there to basically baby-sit once it's 14 a Go Live. I don't really do anything but sit there 15 and watch them go through processing the payroll, 16 because by that time, we have already done a mock 17 payroll, and so now that they're doing a Go Live 18 payroll, it's time for them to do the driving, and I'm 19 just sitting there in case there's an IT problem, 20 because I have the end line to IT. 21 I have someone that's supposedly on my team 22 that I can call specifically for that project that has 23 put in all the information and did the configuration, 24 so that would be my person that I would go to and say 25 -- if there's something that's really impeding the</p>	<p>1 you've done your job and trained them and helped them 2 get to where they need to be, then Go Live, you really 3 should be able to sit back -- 4 A. And do nothing, just sit there and watch them 5 the whole day. I'm just basically walking up and down 6 and seeing, you know, if they're doing everything 7 they're supposed to do and there's no questions, 8 there's no IT issues, there's nothing, and hopefully 9 it's just an easy day of sitting there basically 10 chit-chatting with them while they do their job. 11 Q. Putting aside IT issues, how often is it an 12 easy day? 13 A. Rarely. 14 Q. Why is that? What kind of things do you 15 encounter? 16 A. Well, it depends on the configuration, I 17 guess, of the system, how large the system is. There 18 might be an issue with a configuration of their 19 overtime, and we could see that because there's a 20 report that is run before we actually print out the 21 checks, and so you can actually see what the person's 22 check is going to be, so you can look at, you know, you 23 put in 80 hours, you put in, you know, 2 hours worth of 24 overtime, this should figure out to this, this, or 25 this.</p>
Page 65	Page 67
<p>1 payroll going forward, that's who I call and say, okay, 2 this is what I'm experiencing. Can you ghost in and 3 see what's going on and fix that problem? 4 Q. And how do you determine something's really 5 impeding the payroll process? 6 A. Probably by errors on the system itself, 7 because like I said, each configuration is based on 8 what the client has already told us that their previous 9 legend payroll does, and that's what we're trying to 10 either duplicate or if the system is not necessarily 11 one that's a bad system but basically only holds a 12 certain amount of employees and you've outgrown it, so 13 basically our system is going to do the same thing that 14 your old system did, but it will hold more data. 15 So sometimes I guess there are glitches based 16 on however the IT has configured what the legendary 17 system did, because they get a copy of the legend 18 system, and they set up the new EDEN system according 19 to what those specifications and ramifications are. 20 Q. So you can identify some of those and Go Live 21 because you also have read and gone through what the 22 customer had and what the customer described? 23 A. Right. Exactly. 24 Q. And I guess tell me if I'm wrong. What I'm 25 envisioning is if during this process beginning to end</p>	<p>1 So we basically have done some -- we pick 2 several different employees out of different 3 departments to kind of look at and pull out so that 4 before we actually do the final printing of the 5 paychecks we have something to look at and say, okay, 6 everything is calculating the way it should be 7 calculating. 8 Q. So I'm envisioning you've got some 9 spot-checking and sort of checks and balances along the 10 way to ultimately determine if things appear to be 11 working the way they should? 12 A. Yes. 13 Q. And how do you decide the best way to 14 spot-check? 15 A. Your years of experience. Just because I've 16 did payroll before, you always want to do a spot-check 17 of your payroll before you do the final transmission of 18 the payroll because of human error. You know, you 19 might have wanted to put in 2 hours and you put in 20. 20 You might have wanted to put in, you know, .5 and you 21 put in 50. You didn't put the point in. 22 So you're just checking your own data entry to 23 make sure that the information that you put in is 24 accurate to what the documents that you have, you know, 25 state they are.</p>

EYVONNE WILTON; May 17, 2010

20 (Pages 68 to 71)

Page 68	Page 70
<p>1 Q. Are there some red flags that you look for?</p> <p>2 A. Well, yeah. You know, if you have one</p> <p>3 department that's only had three people and no one had</p> <p>4 overtime and you have, you know, 50 hours of overtime,</p> <p>5 there you go.</p> <p>6 So basically when you're processing payroll,</p> <p>7 so if you have different departments, you run a tape on</p> <p>8 the departmental totals in terms of hours that are in</p> <p>9 that department, so, you know, if you have two people,</p> <p>10 both of them work 80 hours, it's 160 hours, so that's</p> <p>11 your -- you know, that's your tape for that particular</p> <p>12 department and so on and so forth for the rest of the</p> <p>13 departments.</p> <p>14 When you are doing your actual payroll, before</p> <p>15 you do the final printing of the checks, you run the</p> <p>16 reports and you check your time sheets according to</p> <p>17 what you have already run the tapes on to what the</p> <p>18 system has now totaled up in each department, and you</p> <p>19 want to make sure that those hours total up.</p> <p>20 If they do not total up, then you go back in</p> <p>21 and you find out where it is that you have put in the</p> <p>22 wrong hours, you know, hit the wrong key or whatever,</p> <p>23 and then you fix that, and you rerun the report again,</p> <p>24 check it against your totals, and if it's okay, then</p> <p>25 you keep going until you have actually reviewed every</p>	<p>1 go and ask them did you receive your report, because it</p> <p>2 goes directly to the person it's supposed to go to, and</p> <p>3 they'll tell you yes or no.</p> <p>4 Q. So what do you do after that? You've now had</p> <p>5 a successful Go Live. What's your next role in the</p> <p>6 process?</p> <p>7 A. Pack up my stuff, sit down, write up my report</p> <p>8 for the week, or if there were any issues, I write down</p> <p>9 what the issues are, call in to my project manager and</p> <p>10 tell her this is where we are.</p> <p>11 You know, if she's had any conversations with</p> <p>12 the project manager on-site, you know, if there's</p> <p>13 anything special they want us to do, we check with</p> <p>14 that. If there's nothing else, then we go.</p> <p>15 Q. Do you ever in working with the clients and</p> <p>16 employees decide, okay, you know what? I'm going to</p> <p>17 make a little flow chart for them or I'm going to make</p> <p>18 up some written instructions. I think they may need</p> <p>19 something to refer back to on this task or that task.</p> <p>20 A. No, because I generally -- when I was doing</p> <p>21 it, if they had some issues that I could see that they</p> <p>22 were struggling with in terms of remembering what to</p> <p>23 do, I would instruct them make yourself a little note</p> <p>24 on this, after I do this, remember to do this, because</p> <p>25 we also gave them a little booklet so they can write in</p>
Page 69	Page 71
<p>1 department and all the totals that you have, and then</p> <p>2 you process your paychecks.</p> <p>3 Q. So you're spot-checking by department?</p> <p>4 A. Yes, you are.</p> <p>5 Q. And so what else are you doing as part of this</p> <p>6 Go Live process?</p> <p>7 A. The whole point is to make sure that the</p> <p>8 individual knows what all the processes are and that</p> <p>9 they can run them from beginning to end, and once they</p> <p>10 end -- of course, the success is running the paychecks</p> <p>11 and being able to generate a GL that feeds into the</p> <p>12 accounting department.</p> <p>13 Q. And how do you know if your Go Live has been</p> <p>14 successful?</p> <p>15 A. Checks print. If they don't print, it's not</p> <p>16 successful.</p> <p>17 Q. Is that something you go and you look at and</p> <p>18 see if it's all working the way that you expect it to</p> <p>19 work?</p> <p>20 A. They print right in front of us. They</p> <p>21 normally have a printer that is set up with the whole</p> <p>22 nine yards and they print in front of us.</p> <p>23 Q. How do you know whether or not it's</p> <p>24 transferred to the GL account?</p> <p>25 A. There's a report that goes to accounting. You</p>	<p>1 their booklet, and the booklets they got to keep.</p> <p>2 So if they were having particular issues with</p> <p>3 remembering because in their old system they didn't</p> <p>4 have to do this but now they have to do this, write in</p> <p>5 your book, because for the first two or three payrolls,</p> <p>6 they're going to be referring back to that book, so I</p> <p>7 encouraged them to make sure notes in that book so they</p> <p>8 would always have that for themselves, because I found</p> <p>9 it was easier if they made their own notes in their own</p> <p>10 handwriting than if I did it.</p> <p>11 If I did it, it would be more stuff that the</p> <p>12 teacher is giving them and that they would put away</p> <p>13 someplace else other than putting it in the book where</p> <p>14 they needed it. So if they made the note, then once</p> <p>15 they're flipping through trying to find how to do this</p> <p>16 process to get to this process, they would find their</p> <p>17 own note saying remember to do this, this, this.</p> <p>18 Q. So you found that a more effective way of</p> <p>19 training them?</p> <p>20 A. Very much so.</p> <p>21 Q. So you mentioned that you would write a</p> <p>22 report.</p> <p>23 A. Uh-huh.</p> <p>24 Q. You would identify any issues that arose.</p> <p>25 A. (Nodding head).</p>

EYVONNE WILTON; May 17, 2010

21 (Pages 72 to 75)

Page 72	Page 74
<p>1 Q. And then what about follow-up after they had 2 gone live?</p> <p>3 A. They were given our telephone numbers, our 4 Blackberries, so if there was anything that they 5 needed, they could call us within the first one or two 6 payrolls.</p> <p>7 In terms of me following up, I didn't have to 8 do the follow-up. That was -- project managers 9 normally follow-up unless there was something that me 10 and the payroll manager had specifically talked about 11 that she might need some help on.</p> <p>12 Then they would normally just call me for like 13 emergencies, but we were instructed to tell them to 14 call customer service, because we had a customer 15 service department that was set up specifically for 16 clients to call in with issues.</p> <p>17 Q. So after Go Live, you would respond to 18 emergencies --</p> <p>19 A. Emergencies.</p> <p>20 Q. -- or you said, you know, maybe the first one 21 to two payrolls you would be available?</p> <p>22 A. Right. I would be available. If I'm not 23 on-site with something else with another company, then 24 I could be available to talk to them and walk them 25 through, but if I was on-site, then I would have to</p>	<p>1 client anyway.</p> <p>2 Q. Why don't we take a quick break if that's 3 okay.</p> <p>4 A. That's fine.</p> <p>5 (Recess taken.)</p> <p>6 Q. (BY MS. PERLIONI) We're back on the record.</p> <p>7 A. Okay.</p> <p>8 Q. Ms. Wilton, you understand that you're still 9 under oath?</p> <p>10 A. Yes.</p> <p>11 Q. I'm going to hand you a document that I have 12 marked Wilton Deposition Exhibit Number 3. 13 (Deposition Exhibit 3 was marked for 14 identification.)</p> <p>15 Q. (BY MS. PERLIONI) If you will take a look at 16 that document and tell me if you recognize it.</p> <p>17 A. My glasses again.</p> <p>18 Q. Yeah. You might want to keep them over here, 19 because there may be a few additional exhibits.</p> <p>20 A. (Reviewing). Yes. I do recognize.</p> <p>21 Q. Can you for the record explain what Deposition 22 Exhibit 3 is?</p> <p>23 A. This is my offer letter of employment.</p> <p>24 Q. And if you look at the bottom, it says 25 signature. Is that your signature?</p>
Page 73	Page 75
<p>1 tell them you have to call customer service or I 2 wouldn't even answer my phone because I'm already 3 teaching someplace else.</p> <p>4 Q. And did you have that discretion to decide not 5 to answer the phone and --</p> <p>6 A. Always. We weren't supposed to answer the 7 phone. If we're teaching someplace else, we're not 8 supposed to answer the phone unless, say, there was a 9 time that I was with the IT person. Our project 10 manager called, but neither one of us answered our 11 phones, so they called the project manager and said we 12 need you to call into the office, so we took a small 13 break and then we called in.</p> <p>14 So other than that, we're not supposed to be 15 reachable unless we're just not with a client. Then if 16 we're sitting in the office, we can always talk to 17 them.</p> <p>18 Q. But after one to two payrolls, then --</p> <p>19 A. Customer service.</p> <p>20 Q. -- that was cut off?</p> <p>21 A. Customer service.</p> <p>22 Q. By that you mean they had to go to customer 23 service?</p> <p>24 A. They had to go to customer service, because 25 nine times out of ten we were probably with another</p>	<p>1 A. Yes, it is.</p> <p>2 Q. And you signed and dated this offer letter as 3 of March 12, 2006?</p> <p>4 A. Yes, I did.</p> <p>5 Q. I want to go back. This is my fault. We got 6 sidetracked, and we were going through the individuals 7 that you interviewed with when you were applying for 8 the implementation consultant position, and we went 9 through, and I believe that you've told me everything 10 about your discussions with Connie Shaw, Lyn Spens, and 11 the incumbent employee. Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. You also mentioned speaking with Bruce 14 Volkens.</p> <p>15 A. Yes.</p> <p>16 Q. Can you tell me what you recall of your 17 conversation with Mr. Volkens?</p> <p>18 A. That he was funny; that he only asked maybe a 19 handful of questions and he said, okay, that's good for 20 me.</p> <p>21 Q. What type of questions did he ask you?</p> <p>22 A. How long had I been doing payroll? Why would 23 I want a position with Tyler or that particular 24 position? I think he kind of asked what was my 25 hobbies?</p>

EYVONNE WILTON; May 17, 2010

37 (Pages 136 to 139)

Page 136	Page 138
<p>1 Q. Were you ever provided a copy of the</p> <p>2 electronic timekeeping system, a weekly copy of what</p> <p>3 you would submit?</p> <p>4 A. No.</p> <p>5 Q. Did you ever see what happened to your time</p> <p>6 once you submitted it into the timekeeping system?</p> <p>7 A. No.</p> <p>8 Q. Who was your supervisor?</p> <p>9 A. Lyn Spens.</p> <p>10 Q. And was Ms. Spens aware of the fact that you</p> <p>11 were working more than 40 hours per week some weeks</p> <p>12 during the time you worked for Tyler Technologies?</p> <p>13 A. Yes.</p> <p>14 MS. PERLIONI: Wait. Objection; form.</p> <p>15 You got to let me get my objection here.</p> <p>16 A. Yes. We had to let our managers know if we</p> <p>17 worked more hours than what, I guess, were scheduled in</p> <p>18 terms of the course of a day, because that affected the</p> <p>19 contract with the client as I was told.</p> <p>20 Q. (BY MS. BAGLEY) And you've told us a little</p> <p>21 bit about the amount of time that you worked past 5:00,</p> <p>22 but we don't really have on the record an estimated</p> <p>23 amount of overtime you believed you worked on average</p> <p>24 during the time you worked for Tyler Technologies doing</p> <p>25 implementations.</p>	<p>1 division for implementation consultant. I wanted to go</p> <p>2 over a few things in that job description.</p> <p>3 A. Let me find it.</p> <p>4 MS. PERLIONI: It's Deposition</p> <p>5 Exhibit 4.</p> <p>6 THE WITNESS: Yeah. But I don't have</p> <p>7 them in order.</p> <p>8 A. Found it.</p> <p>9 Q. (BY MS. BAGLEY) Under responsibilities, the</p> <p>10 second bullet point down, it states, "Utilize site fit</p> <p>11 documentation and questionnaires to perform analysis of</p> <p>12 client data, process flow and system information</p> <p>13 needs."</p> <p>14 Can you explain to me what you understand that</p> <p>15 to be?</p> <p>16 A. Well, the site fit documentation is the</p> <p>17 questionnaire that they send out to the site so that</p> <p>18 they can tell us how their payroll is processed, what</p> <p>19 form of FLSA laws they use, what their PTO or sick time</p> <p>20 or vacation time is configured, so it's basically</p> <p>21 information that we derive from the client. They tell</p> <p>22 us how they do their payroll.</p> <p>23 Q. And did you perform an analysis of client data</p> <p>24 using those documents?</p> <p>25 MS. PERLIONI: Objection; form.</p>
Page 137	Page 139
<p>1 MS. PERLIONI: I'm going to object to</p> <p>2 the form.</p> <p>3 MS. BAGLEY: Me too. Strike that,</p> <p>4 actually.</p> <p>5 MS. PERLIONI: I love that.</p> <p>6 Q. (BY MS. BAGLEY) If we are unable to obtain the</p> <p>7 notes that you provided to Tyler Technologies to</p> <p>8 determine the hours you worked, can you tell the court</p> <p>9 as best you can how many hours you believe you worked a</p> <p>10 week when you were doing implementation work for Tyler</p> <p>11 on an average?</p> <p>12 MS. PERLIONI: Objection; form.</p> <p>13 A. I don't know about an average, but I'd say it</p> <p>14 would take at least 2 hours in the evening after</p> <p>15 finishing with a client, so if I started Monday, after</p> <p>16 I finished on Monday, I would do my workup for the next</p> <p>17 day, which took about 2 hours to do, so that I could be</p> <p>18 prepared for the next day's class, so that would be</p> <p>19 about 8 to 10 hours maybe.</p> <p>20 Probably my biggest one would have been the</p> <p>21 Bell Gardens where it had to be at least a good 15</p> <p>22 hours that I had overtime.</p> <p>23 Q. (BY MS. BAGLEY) And defense counsel provided</p> <p>24 you what was marked as Exhibit 4 to your deposition,</p> <p>25 which appears to be a job description for the EDEN</p>	<p>1 A. We didn't necessarily analyze the data but</p> <p>2 went over the data to understand how we could process</p> <p>3 it and put it into the system. The stuff was</p> <p>4 straightforward basically.</p> <p>5 So all we basically did was they sent us the</p> <p>6 questionnaire stating that this is -- you know, our</p> <p>7 payroll is biweekly, semi-monthly. We have vacation</p> <p>8 time, sick time, or we have PTO time, which is all</p> <p>9 inclusive.</p> <p>10 We start our payroll process in terms of when</p> <p>11 we require our employees to have their documentation</p> <p>12 into us, so they gave us their time flow. They gave us</p> <p>13 how their legend system worked or how they perceived it</p> <p>14 to work, and that's basically it. So that information</p> <p>15 we took. We took that information and that way I knew</p> <p>16 what I was going into when I was scheduled to go there.</p> <p>17 So with that information, Lyn and I would sit</p> <p>18 down and say they're on semi-monthly. I can't send you</p> <p>19 on this week, so we have to send you on this week,</p> <p>20 because they would try to send you on a nonpayroll</p> <p>21 processing week.</p> <p>22 So we didn't necessarily analyze data as well</p> <p>23 as we just analyzed -- or we just figured out when it</p> <p>24 was a good time for us to go and what type of payroll</p> <p>25 process they actually had since each individual client</p>

EYVONNE WILTON; May 17, 2010

38 (Pages 140 to 143)

Page 140	Page 142
<p>1 was on a different schedule and had different types of</p> <p>2 information that needed to be put into the system.</p> <p>3 Q. (BY MS. BAGLEY) Now, the bullet point right</p> <p>4 below that says, "Thoroughly identify and document</p> <p>5 client requirements to level of detail required to</p> <p>6 design and configure an operational component of EDEN</p> <p>7 software products."</p> <p>8 Did you ever design and configure an</p> <p>9 operational component of EDEN software products?</p> <p>10 A. It sounds good, but no. IT designed and</p> <p>11 configured components for the EDEN software. Since it</p> <p>12 was a proprietary software, any time something that was</p> <p>13 a little unique that needed to be done that had not</p> <p>14 been done with the software before, then IT would</p> <p>15 figure out a way to get it accomplished or do a</p> <p>16 workaround as they would say so they would figure out</p> <p>17 -- although they may not be able to do it directly,</p> <p>18 they would figure out an indirect way to get it done.</p> <p>19 Q. And under communicate and work as a team, that</p> <p>20 first bullet point under that, "Act as liaison between</p> <p>21 client and company's technical staff, including</p> <p>22 conveying complex or technical information so that</p> <p>23 nontechnical individuals can understand," do you know</p> <p>24 what this sentence means?</p> <p>25 A. No. I can only derive that --</p>	<p>1 guess the installation problems would be any software</p> <p>2 errors that we got. That would be considered a defect,</p> <p>3 but we didn't install installation problems.</p> <p>4 I guess that would be from what IT had done,</p> <p>5 and if we found that for some reason we had an impasse</p> <p>6 and couldn't get past something, then once again, IT</p> <p>7 would have to ghost into the system.</p> <p>8 Q. (BY MS. BAGLEY) How would you know there was a</p> <p>9 software defect?</p> <p>10 A. If we couldn't -- if you couldn't escape out</p> <p>11 of it to get the error message off, it was considered a</p> <p>12 software defect.</p> <p>13 Q. And the next bullet point says, "Software</p> <p>14 modifications that are necessary or required by the</p> <p>15 client."</p> <p>16 Did you make any determinations of what</p> <p>17 software modifications needed to be made?</p> <p>18 A. No. We only told them of issues that we had.</p> <p>19 If, say, like you were an employee, you're working with</p> <p>20 the company, you get one week's vacation or two weeks'</p> <p>21 vacation, you're supposed to earn 6.67 hours per pay</p> <p>22 period in order to get you to your two weeks, so if we</p> <p>23 ran, say, a report and it showed that this person still</p> <p>24 was not accruing correctly, then we would send that to</p> <p>25 IT and tell them our calculation somehow was not doing</p>
Page 141	Page 143
<p>1 Q. Let me ask it this way.</p> <p>2 A. Okay. No.</p> <p>3 Q. What information would you convey from the</p> <p>4 client to the company's technical staff?</p> <p>5 MS. PERLIONI: Objection; form.</p> <p>6 A. Only thing that we would give -- and I would</p> <p>7 think that our technical staff would be our IT</p> <p>8 department -- is if we had any error messages that came</p> <p>9 up that we couldn't personally clear, and then we would</p> <p>10 call into them and they would clear them for us. They</p> <p>11 would ghost into the system and clear it.</p> <p>12 If we couldn't find anyone that could ghost</p> <p>13 into the system at the time, we would have to take a</p> <p>14 snapshot of the screen and fax it to our customer</p> <p>15 service, and then they would find someone that could</p> <p>16 figure it out for us.</p> <p>17 Q. (BY MS. BAGLEY) Now, the next bullet point</p> <p>18 says, "Notify project manager and appropriate</p> <p>19 organization of the issues or unplanned events that</p> <p>20 could impact the effectiveness of the implementation,</p> <p>21 including installation problems or software defects."</p> <p>22 Can you explain how or -- if you did that and</p> <p>23 give us an example of what it would involve?</p> <p>24 MS. PERLIONI: Objection; form.</p> <p>25 A. Well, we didn't actually install anything. I</p>	<p>1 what it's supposed to do.</p> <p>2 Q. And that was based on what the client had</p> <p>3 requested; is that correct?</p> <p>4 A. Right. Right.</p> <p>5 Q. On the next page, the first line, "Prepare</p> <p>6 appropriate training materials as new products are</p> <p>7 developed or new processing procedures evolved," did</p> <p>8 you ever prepare training materials?</p> <p>9 A. No.</p> <p>10 Q. Under pursue diversity in functional and</p> <p>11 technical specialization, the second bullet point under</p> <p>12 there states, "Becoming competent in other disciplines</p> <p>13 such as generic business process review, project</p> <p>14 management, web application, deployment, or crystal</p> <p>15 report writer expertise."</p> <p>16 Did you do any of that?</p> <p>17 A. No. I did do crystal reports in terms of the</p> <p>18 canned reports that were for payroll and HR, but I</p> <p>19 didn't do anything other than that.</p> <p>20 Q. The next sentence down, "Participate in the</p> <p>21 annual users conference and facilitate user group</p> <p>22 discussion on assigned module topic," did you ever</p> <p>23 attend a user conference?</p> <p>24 A. No.</p> <p>25 Q. Did you ever facilitate a user group</p>

EYVONNE WILTON; May 17, 2010

36 (Pages 132 to 135)

Page 132	Page 134
<p>1 Technologies, did you ever complain to anyone that you</p> <p>2 thought you should be receiving additional pay for</p> <p>3 hours worked beyond 40 hours in a week?</p> <p>4 A. That was a conversation between implementation</p> <p>5 consultants.</p> <p>6 MS. PERLIONI: I'm going to object as</p> <p>7 nonresponsive.</p> <p>8 Q. (BY MS. PERLIONI) My question specifically was</p> <p>9 did you complain -- let me make it clear. Did you</p> <p>10 complain to anyone in management or human resources</p> <p>11 within Tyler Technologies that you believed you should</p> <p>12 be paid for -- you should receive overtime pay for</p> <p>13 hours worked in excess of 40 in any week?</p> <p>14 A. A better question. No.</p> <p>15 Q. When you say you discussed this amongst other</p> <p>16 implementers --</p> <p>17 A. We all discussed it.</p> <p>18 Q. Who is we all?</p> <p>19 A. I couldn't give you names now. It's four</p> <p>20 years ago. Any time there were a bunch of us in the</p> <p>21 office together, we kind of hashed about the fact that</p> <p>22 we spent a lot of hours traveling and a lot of hours</p> <p>23 preparing for our clients' visits. As any other, we</p> <p>24 weren't being paid enough.</p> <p>25 Q. So you wish you were paid more?</p>	<p>1 BY MS. BAGLEY:</p> <p>2 Q. Ms. Wilton, I just wanted to clarify a few</p> <p>3 things. Earlier you testified that you would work in</p> <p>4 your hotel when you were on implementation projects</p> <p>5 during the evenings.</p> <p>6 A. Yes.</p> <p>7 Q. And you said that you would keep track of that</p> <p>8 time in the -- how did you keep track of that time?</p> <p>9 A. In the notes that we prepared for -- to go in</p> <p>10 our report, which we wrote when we got back to the</p> <p>11 office.</p> <p>12 Q. Have you seen any of those reports or notes in</p> <p>13 any of the documents that have been provided in this</p> <p>14 deposition today?</p> <p>15 A. No.</p> <p>16 Q. Do you know how your hours on Exhibit 6 were</p> <p>17 calculated?</p> <p>18 MS. PERLIONI: Objection; form.</p> <p>19 A. Not calculated, but we put our time into a</p> <p>20 proprietary timekeeping system that EDEN had or Tyler</p> <p>21 had. On the time that I'm looking at, one, I've never</p> <p>22 seen the report before, and, two, where I have put</p> <p>23 training and then it has a negative after the training</p> <p>24 and being reclassified, that's not something that I would</p> <p>25 do. That probably was my manager, so I never saw the</p>
Page 133	Page 135
<p>1 A. Yes.</p> <p>2 Q. Any discussion specifically to overtime pay?</p> <p>3 A. No.</p> <p>4 Q. Let's take a break and let me flip through my</p> <p>5 stack here.</p> <p>6 A. More?</p> <p>7 Q. What's that?</p> <p>8 A. More?</p> <p>9 Q. I don't know that that's more. That's why I'm</p> <p>10 saying let's take a quick break and let me make sure</p> <p>11 that I have covered everything that I intended to</p> <p>12 cover.</p> <p>13 A. My brain is fried. That's why I'm like more?</p> <p>14 (Recess taken.)</p> <p>15 Q. (BY MS. PERLIONI) A couple quick questions.</p> <p>16 A. Okay.</p> <p>17 Q. These municipalities that you were working</p> <p>18 with, did they close on all federally observed</p> <p>19 holidays?</p> <p>20 A. Yes.</p> <p>21 Q. And do you recall ever working on any of the</p> <p>22 holidays, company holidays?</p> <p>23 A. No.</p> <p>24 MS. PERLIONI: I pass the witness.</p> <p>25 EXAMINATION</p>	<p>1 report. We didn't get the reports of our time.</p> <p>2 Q. (BY MS. BAGLEY) Did you differentiate between</p> <p>3 the hours you worked and the billable hours you worked</p> <p>4 when you submitted your time to Tyler?</p> <p>5 A. Yes. We had to.</p> <p>6 MS. PERLIONI: Object to the form, but</p> <p>7 go ahead.</p> <p>8 A. Yes. We had to.</p> <p>9 Q. (BY MS. BAGLEY) How did you do that?</p> <p>10 A. On the application that we used, it would say</p> <p>11 -- you would -- whatever hours that you worked, if they</p> <p>12 were for a particular client, then you would put</p> <p>13 billable behind the hours that you worked, so the</p> <p>14 classification would be billable for Bell Gardens,</p> <p>15 billable for Coral Gable, and you would put in how many</p> <p>16 hours you worked for that particular project.</p> <p>17 Q. How would you know what would be billable</p> <p>18 versus nonbillable?</p> <p>19 A. The fact that you physically worked on the</p> <p>20 project itself. If you were, say, working there for</p> <p>21 that week and you're doing some extra stuff afterwards,</p> <p>22 then that is considered billable because it's a means</p> <p>23 to keep you on track of your schedule, and if it was</p> <p>24 not considered billable, then your project manager</p> <p>25 would probably change the classification.</p>

EYVONNE WILTON; May 17, 2010

37 (Pages 136 to 139)

Page 136	Page 138
<p>1 Q. Were you ever provided a copy of the</p> <p>2 electronic timekeeping system, a weekly copy of what</p> <p>3 you would submit?</p> <p>4 A. No.</p> <p>5 Q. Did you ever see what happened to your time</p> <p>6 once you submitted it into the timekeeping system?</p> <p>7 A. No.</p> <p>8 Q. Who was your supervisor?</p> <p>9 A. Lyn Spens.</p> <p>10 Q. And was Ms. Spens aware of the fact that you</p> <p>11 were working more than 40 hours per week some weeks</p> <p>12 during the time you worked for Tyler Technologies?</p> <p>13 A. Yes.</p> <p>14 MS. PERLIONI: Wait. Objection; form.</p> <p>15 You got to let me get my objection here.</p> <p>16 A. Yes. We had to let our managers know if we</p> <p>17 worked more hours than what, I guess, were scheduled in</p> <p>18 terms of the course of a day, because that affected the</p> <p>19 contract with the client as I was told.</p> <p>20 Q. (BY MS. BAGLEY) And you've told us a little</p> <p>21 bit about the amount of time that you worked past 5:00,</p> <p>22 but we don't really have on the record an estimated</p> <p>23 amount of overtime you believed you worked on average</p> <p>24 during the time you worked for Tyler Technologies doing</p> <p>25 implementations.</p>	<p>1 division for implementation consultant. I wanted to go</p> <p>2 over a few things in that job description.</p> <p>3 A. Let me find it.</p> <p>4 MS. PERLIONI: It's Deposition</p> <p>5 Exhibit 4.</p> <p>6 THE WITNESS: Yeah. But I don't have</p> <p>7 them in order.</p> <p>8 A. Found it.</p> <p>9 Q. (BY MS. BAGLEY) Under responsibilities, the</p> <p>10 second bullet point down, it states, "Utilize site fit</p> <p>11 documentation and questionnaires to perform analysis of</p> <p>12 client data, process flow and system information</p> <p>13 needs."</p> <p>14 Can you explain to me what you understand that</p> <p>15 to be?</p> <p>16 A. Well, the site fit documentation is the</p> <p>17 questionnaire that they send out to the site so that</p> <p>18 they can tell us how their payroll is processed, what</p> <p>19 form of FLSA laws they use, what their PTO or sick time</p> <p>20 or vacation time is configured, so it's basically</p> <p>21 information that we derive from the client. They tell</p> <p>22 us how they do their payroll.</p> <p>23 Q. And did you perform an analysis of client data</p> <p>24 using those documents?</p> <p>25 MS. PERLIONI: Objection; form.</p>
Page 137	Page 139
<p>1 MS. PERLIONI: I'm going to object to</p> <p>2 the form.</p> <p>3 MS. BAGLEY: Me too. Strike that,</p> <p>4 actually.</p> <p>5 MS. PERLIONI: I love that.</p> <p>6 Q. (BY MS. BAGLEY) If we are unable to obtain the</p> <p>7 notes that you provided to Tyler Technologies to</p> <p>8 determine the hours you worked, can you tell the court</p> <p>9 as best you can how many hours you believe you worked a</p> <p>10 week when you were doing implementation work for Tyler</p> <p>11 on an average?</p> <p>12 MS. PERLIONI: Objection; form.</p> <p>13 A. I don't know about an average, but I'd say it</p> <p>14 would take at least 2 hours in the evening after</p> <p>15 finishing with a client, so if I started Monday, after</p> <p>16 I finished on Monday, I would do my workup for the next</p> <p>17 day, which took about 2 hours to do, so that I could be</p> <p>18 prepared for the next day's class, so that would be</p> <p>19 about 8 to 10 hours maybe.</p> <p>20 Probably my biggest one would have been the</p> <p>21 Bell Gardens where it had to be at least a good 15</p> <p>22 hours that I had overtime.</p> <p>23 Q. (BY MS. BAGLEY) And defense counsel provided</p> <p>24 you what was marked as Exhibit 4 to your deposition,</p> <p>25 which appears to be a job description for the EDEN</p>	<p>1 A. We didn't necessarily analyze the data but</p> <p>2 went over the data to understand how we could process</p> <p>3 it and put it into the system. The stuff was</p> <p>4 straightforward basically.</p> <p>5 So all we basically did was they sent us the</p> <p>6 questionnaire stating that this is -- you know, our</p> <p>7 payroll is biweekly, semi-monthly. We have vacation</p> <p>8 time, sick time, or we have PTO time, which is all</p> <p>9 inclusive.</p> <p>10 We start our payroll process in terms of when</p> <p>11 we require our employees to have their documentation</p> <p>12 into us, so they gave us their time flow. They gave us</p> <p>13 how their legend system worked or how they perceived it</p> <p>14 to work, and that's basically it. So that information</p> <p>15 we took. We took that information and that way I knew</p> <p>16 what I was going into when I was scheduled to go there.</p> <p>17 So with that information, Lyn and I would sit</p> <p>18 down and say they're on semi-monthly. I can't send you</p> <p>19 on this week, so we have to send you on this week,</p> <p>20 because they would try to send you on a nonpayroll</p> <p>21 processing week.</p> <p>22 So we didn't necessarily analyze data as well</p> <p>23 as we just analyzed -- or we just figured out when it</p> <p>24 was a good time for us to go and what type of payroll</p> <p>25 process they actually had since each individual client</p>